

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

Plaintiff,

CASE NO.: 00 6032 CR ZLOCH

vs.

Florida Bar No.: 198242

LIONEL J. HANNA

Defendant.

**DEFENDANT'S OBJECTION TO PRESENTENCE INVESTIGATION**

COMES NOW the Defendant LIONEL J. HANNA, by and through his undersigned attorney, and files this his Objection to the Presentence Investigation filed in this case as follows:

1. That in PART E, PARAGRAPH 91 of said Presentence Investigation entitled "FACTORS THAT MAY WARRANT A DEPARTURE" the probation officer states "None".
2. That, however, in U.S. vs. Maier 777 F. Supp. 293 (S.D.N.Y. 1991) the Court held that a guidelines departure was warranted where a drug offender's offenses were directly contributable to her addiction as the sentencing guidelines did not take into account studies indicating incarceration was not an affective approach to rehabilitation of narcotics addiction.
3. That, in the case at bar, the presentence investigation clearly reflects Defendant's addiction to alcohol and drugs.
4. That, therefore, in the case at bar Defendant's addiction supports a guidelines departure.

*[Handwritten signature]*  
82

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was mailed on the 23rd day of October 2000 to Donald F. Chase, II, Assistant United States Attorney, 500 East Broward Boulevard, Suite 700, Fort Lauderdale Fl 33394 and Frank E. Smith, U.S. Probation Officer, Federal Courthouse Building, 299 East Broward Blvd., Room 409, Fort Lauderdale, Fl 33301-1865.

A handwritten signature in black ink, appearing to read 'Don S. Cohn', written over a horizontal line.

Don S. Cohn, Esq.  
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